

GOOGLE INC. AND KAI-FU LEE v. MICROSOFT CORPORATION,
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA,
CIVIL ACTION No. CV 05-03095 (RMW)

DECLARATION OF STEPHEN E. TAYLOR
IN SUPPORT OF MOTION BY PLAINTIFFS
GOOGLE INC. AND KAI-FU LEE FOR SUMMARY JUDGMENT

EXHIBIT C

Judge Steven González

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

DR. KAI-FU LEE and GOOGLE INC., a
Delaware corporation,

Defendants.

No. 05-2-23561-6 SEA

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING
ORDER

THIS MATTER came on for hearing before this Court upon Plaintiff's Motion for a Temporary Restraining Order. Defendants Dr. Kai-Fu Lee and Google Inc. were provided with formal notice of this hearing.

Having considered Plaintiff's motion and all pleadings submitted in support of and in opposition to the motion, including three documents submitted by Plaintiff and reviewed in-camera¹, as well as the arguments of counsel for the parties, the Court is satisfied that Plaintiff has established a clear legal or equitable right; a well-grounded fear

¹ Plaintiff has requested that the three documents be maintained under seal as it would be untenable to be required to disclose confidential or proprietary information or trade secrets in order to protect them. Plaintiff must file a motion to seal the documents setting forth the basis for the request. Defendant has not objected to the documents being filed under seal. Due to the pressing nature of this action, the court has reserved ruling on this request in order to provide third parties the opportunity to be heard. The court anticipates ruling on the motion to seal the three documents pursuant to the *Ishikawa* factors on or before August 2, 2005.

1 of immediate invasion of that right and that the acts complained of will result in actual and
2 substantial injury to Plaintiff; and that the equities dictate that a temporary restraining
3 order, in substantially the form requested, should be entered. Now, therefore, it is hereby

4 **ORDERED** that, pending the below-scheduled hearing (even if such hearing is
5 continued), Defendants Dr. Kai-Fu Lee and Google Inc. are hereby temporarily restrained
6 and enjoined as follows:

- 7 1) Defendant Dr. Lee is enjoined from accepting employment
8 competitive with or engaging in any activities competitive with
9 any product, service or project (including actual or demonstrably
10 anticipated research or development) on which he worked while
11 employed at Microsoft, including but not limited to accepting
12 employment or engaging in activities related to (a) computer
13 search technologies, including but not limited to internet search
14 engines, desktop search technologies and any other search
15 technologies, (b) natural language processing or speech
16 technologies, or (c) business strategies, planning, or development
17 with respect to the Chinese market for computer search
18 technologies;
- 19 2) Defendant Google Inc. is enjoined from employing Dr. Lee for or
20 otherwise engaging him in any activities competitive with any
21 product, service or project (including actual or demonstrably
22 anticipated research or development) on which he worked while
23 employed at Microsoft, including but not limited to accepting
24 employment or engaging in activities related to (a) computer
25 search technologies, including but not limited to internet search
engines, desktop search technologies and any other search
technologies, (b) natural language processing or speech
technologies, or (c) business strategies, planning, or development
with respect to the Chinese market for computer search
technologies;
- 3) Defendants Dr. Lee and Google Inc., or any person or entity acting
in concert with either of them, are enjoined from disclosing or
misappropriating for their own use or benefit, any trade secrets or
other confidential or proprietary information of Microsoft obtained
in connection with Dr. Lee's work for Plaintiff. "Confidential or
proprietary information or trade secrets" means all data and
information in whatever form, tangible or intangible, that is not
generally known to the public and that relates to the business,

1 technology, practices, products, marketing, sales, services,
 2 finances, or legal affairs of Microsoft . . . , including without
 3 limitation: information about actual or prospective customers,
 4 suppliers and business partners; business, sales, marketing,
 5 technical, financial and legal plans, proposals and projections;
 6 concepts, techniques, processes, methods, systems, designs,
 7 programs, code, formulas, research, experimental work and work
 8 in progress;

- 9 4) Defendant Dr. Lee is enjoined from soliciting, encouraging, or
 10 attempting to induce employees of Microsoft or its subsidiaries to
 11 terminate their employment to work for any other entity, including
 12 Google Inc.;
- 13 5) Defendants are required to return to Plaintiff's counsel within 24
 14 hours all property, documents, files, reports, and/or other materials,
 15 if any, that Defendants have in their possession, custody, or control
 16 that were obtained from Plaintiff in connection with Dr. Lee's
 17 work for Plaintiff; and
- 18 6) Plaintiff and Defendants are enjoined from destroying any
 19 documents or files of any kind, whether in written or electronic
 20 form, that relate in any way to Microsoft and Google Inc.'s
 21 employment of Dr. Lee.

22 **IT IS FURTHER ORDERED** that Plaintiff shall post security in the amount of
 23 \$1,000,000.00 for the payment of Defendants' costs and damages that may be incurred in
 24 the event Defendants are found to be wrongfully enjoined or restrained by this order, and
 25 such security shall be posted not later than August 2, 2005.

IT IS FURTHER ORDERED that Defendants shall appear before Judge Steven
 González of the King County Superior Court on the 6th day of September, 2005, at 9:00
a.m., to show cause, if any, why a preliminary injunction should not be entered for the
 pendency of this lawsuit including, but not limited to, the relief set forth above.

DONE IN OPEN COURT this 28th day of July, 2005.


 JUDGE STEVEN GONZALEZ